

Report on the

**Board of Registration for
Interior Design**

Birmingham, Alabama



**Department of
Examiners of Public Accounts**

**50 North Ripley Street, Room 3201
P.O. Box 302251
Montgomery, Alabama 36130-2251**

Ronald L. Jones, Chief Examiner



STATE OF ALABAMA

Department of

EXAMINERS OF PUBLIC ACCOUNTS

Telephone (334) 242-9200

FAX (334) 242-1775

Ronald L. Jones
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:

Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

August 15, 2007

Senator Larry Dixon
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Dixon:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of **Board of Registration for Interior Design** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Registration for Interior Design**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Ronald L. Jones
Chief Examiner

EXAMINER
Billie Alabi

CONTENTS

	<u>Page No.</u>
PROFILE.....	1
PURPOSE/AUTHORITY	1
BOARD CHARACTERISTICS:.....	1
OPERATIONS:	2
FINANCIAL:	4
SIGNIFICANT ITEMS	4
STATUS OF PRIOR FINDINGS	5
ORGANIZATION	7
PERSONNEL	7
PERFORMANCE CHARACTERISTICS	7
SMART BUDGETING.....	10
REGULATION IN CONJUNCTION WITH OTHER ENTITIES	12
FINANCIAL INFORMATION	12
FEE SCHEDULE.....	12
SCHEDULE OF CASH RECEIPTS, DISBURSEMENTS AND BALANCES	13
RECEIPTS VS OPERATING DISBURSEMENTS	14
QUESTIONNAIRES	15
BOARD MEMBERS	15
LICENSEES	18
APPENDICES.....	24
SMART BUDGETING REPORTS	24
TITLE 34 CHAPTER 15A. INTERIOR DESIGNERS	29
TITLE 34 CHAPTER 15B. INTERIOR DESIGN CONSUMER PROTECTION ACT	32
TITLE 34 CHAPTER 15B RULED UNCONSTITUTIONAL (COURT ORDER)	47
BOARD MEMBERS	49
AGENCY RESPONSE TO SIGNIFICANT ITEMS	50

PROFILE

Purpose/Authority

The Board of Registration for Interior Design was established in by Act 82-497 to license the use of the title “interior designer” to any person qualified to use the title under authority of the *Code of Alabama 1975*, Sections 34-15A-1 through 34-15A-7. The board was reestablished by Act 2001-660 to license the practice of interior design (*Code of Alabama 1975*, Sections 34-15B-1 through 34-15B-18). The 2001 law requires licensure by the board for any person to engage in the practice of interior design as well as to use the title of interior designer.

The board operated under the practice act until the law was judged unconstitutional in August 2004. (See court ruling in the appendices), after which the board reverted to operation in accordance with its previous statutory authority. The board is currently operating under authority of the *Code of Alabama 1975*, Sections 34-15A-1 through 34-15A-7, but with the board constituted as provided in the unconstitutional practice act.

Board Characteristics:

Members	Seven (7). (<i>Code of Alabama 1975</i> , § 34-15B-4(a)).
Term	4 years. Not more than 2 consecutive terms. Members continue to serve until a successor is appointed. (<i>Code of Alabama 1975</i> , § 34-15B-4(b)).
Selection	Appointed by the Governor. A statewide nominating committee of registered interior designers provides two nominees for each of the five district representatives on the board. The governor appoints the educator and consumer members with or without input from the statewide nominating committee. (<i>Code of Alabama 1975</i> , § 34-15B-4.
Qualifications	Five district representatives must each hold a valid certificate of registration and be engaged in the full time practice of interior design. (<i>Code of Alabama 1975</i> , § 34-15B-4(d)(1)). One member must be a professional educator teaching in a college or university level interior design program and may not otherwise be employed in the fields of construction, architecture, engineering, interior design-interior decorating or any related field. (<i>Code of Alabama 1975</i> , § 34-15B-4(d)(2)).

	<p>One member must be a consumer who may not be employed in the fields of construction, architecture, engineering, interior design-interior decorating or any related field. <i>(Code of Alabama 1975, § 34-15B-4(d)(2)).</i></p>
Racial Representation	<p>One member must be of a minority race. The consumer member currently fills this requirement. <i>(Code of Alabama 1975, § 34-15B-4(d)(3))</i></p>
Geographical Representation	<p>One licensee member representing each of five (5) geographic districts in Alabama.. Each district representative must reside in the district from which appointed. A vacancy currently exists for the Southern District. <i>(Code of Alabama 1975, § 34-15B-4(e)).</i></p>
Consumer Representation	<p>One required by statute. One consumer member presently serves. <i>(Code of Alabama 1975, § 34-15B-4(d)(2)).</i></p>
Other Representation	<p>No statutory requirement.</p>
Compensation	<p>None for services. Travel expense reimbursement as paid to state employees (members have waived travel expense reimbursement). <i>(Code of Alabama 1975, § 34-15B-4(h)).</i></p>

Operations:

Administrator	<p>Bryant G. Williams Volunteer/Office Administrator – originally no compensation. Contract 7/1/07 – 6/30/08 - \$10,000 for the period</p>
Location	<p>Mailing Address: P O Box 11026 Birmingham, AL 35202</p> <p>Physical Location: 436 Palisades Blvd, Suite 110 Birmingham, AL 35209</p>
Licenses	<p>258 Registered Interior Designers as of May 7, 2007.</p>

Licensee Qualifications	<p>(1) Provide proof of 60 quarter-semester college credit hours or 48 tri-semester college credit hours related to the field of interior design; and</p> <p>(2) Successfully complete the NCIDQ (National Council for Interior Design Qualification) examination; or</p> <p>(3) Provide evidence of registration or licensing in another state whose requirements for registration or licensing are equivalent to Alabama's requirements and who extend the same privilege to those registered in Alabama.</p> <p><i>(Code of Alabama 1975, § 34-15A-3)</i> <i>(Administrative Rule 485-X-5-.01)</i></p>
Renewals	<p>All licenses renew annually upon payment of the annual renewal fee by October 31. Licenses not renewed by December 31 become invalid.</p> <p><i>(Code of Alabama 1975, § 34-15A-6(c))</i> <i>(Administrative Rule 485-X-4-.01).</i></p>
Examinations	<p>Applicants must pass the National Council for Interior Design Qualification (NCIDQ) examination. The board does not administer examinations. The NCIDQ owns and administers the examinations twice a year in Alabama.</p> <p><i>(Code of Alabama 1975, § 34-15A-3 (2)).</i> <i>(Administrative Rule 485-X-5-.04)</i></p>
Continuing Education	No requirement currently
Reciprocity	<p>The board may issue a certificate of registration to any individual who is registered in any state and who has passed the required examinations.</p> <p><i>(Code of Alabama 1975, § 34-15A-3 (3)).</i></p>
Employees	None.
Legal Counsel	<p>Matthew Y. Beam, Esquire Gidiere, Hinton, Herndon & Christman 60 Commerce Street, Ste 904 Montgomery, AL 36104</p>
Subpoena Power	<p>Yes, both persons and documents.</p> <p><i>(Code of Alabama 1975, § 34-15A-6 (i) (2))</i></p>

Internet Presence	<p>The Board of Registration for Interior Design hosts a website at www.idboard.alabama.gov. The following information is available at the site:</p> <ul style="list-style-type: none"> • Board Member List • Forms and Applications • Complaint Form • Code of Professional Conduct • Board Approved Interior Design Education Programs • Law - Code of Alabama • Rules and Regulations • Roster • Contact information • Related Links
Attended Board member Training	<p>One current member and a former member attended the September 2002 session. The current member also serves as the fiscal officer, without compensation for the board.</p>

Financial:

Source of Funds	Licensing fees.
State Treasury	Yes – Special Revenue Fund 0364
Unused Funds	Retained.

SIGINIFICANT ITEMS

1. Board members and licensees responding to our questionnaire expressed a belief that the board is necessary, that its statutory authority should encompass regulation of both the title and practice of interior design, and that a specific statutory definition of what constitutes interior design is necessary – All board members currently serving (6) and 89% of the licensees responding to our questionnaire responded this way.

2. The board differs from its licensees as to whether the board should regulate interior decorators. All board members but one, who responded to our questionnaire indicated that interior decorators should be regulated by the board. Only approximately one third of the licensed interior designers responding to our questionnaire indicated that the board should have jurisdiction over interior decorators.

3. The board has stopped investigative and enforcement activity. Information obtained from the board shows that the board stopped all investigative and enforcement activities in the fall of 2003 pursuant to a request of the Sunset Committee. The board continues to receive and acknowledge the receipt of reports of violations of the interior design practice act. Complainants are informed why the board cannot act upon allegations.

STATUS OF PRIOR FINDINGS

The following prior examination findings/significant items remain unresolved:

4. Prior Significant Item – Board Operating Under Previous Law –Not Aware of Current Law. - On August 23, 2004, the Circuit Court of Jefferson County declared the Interior Design Practice Act (*Acts of Alabama*, Act No. 2001-660) to be unconstitutional. As a result, the board began operating under its previous law created by *Acts of Alabama*, Act No. 82-497. To comply with the 1982 law, the board suspended enforcement of the following provisions of the 2001 law and appealed the circuit court's decision to the Alabama Supreme Court.

(Suspended Provisions of 2001 Law) • Development of a sealed level examination for higher level of interior design registration (§ 34-15B-7). • Requirement for continuing education as a condition for renewal of registration (§ 34- 15B-5 (10)). • Requirement that applicants are graduates of Foundation for Interior Design Education Research (FIDER) accredited interior design programs (§ 34-15B-6 (b) (1) c.). • The board's unrestricted authority to set fees. (Act 82-497 set maximum annual fees at \$50.)

(2006 Law) On April 18, 2006, a new interior design practice act was signed into law as *Acts of Alabama*, Act No. 2006-518. The new act preserves the 2001 law, with amendments to allow individuals, partnerships, and corporations to provide services covered by the law without being licensed by the board, so long as these entities do not imply or indicate that they are "interior designers". When asked how the board's operations would be altered by the 2006 law, the board indicated that it was not aware of the 2006 law.

Prior Response

The Board is operating under the guidance of its counsel and the Attorney General's office in operating under the 1982 law after extensive litigation involving the 2001 law. The 1982 law became re-activated when the Jefferson County Circuit Court struck down as unconstitutional the 2001 law. The Board's appeal in the Alabama Supreme Court of this decision is presently pending. The Board's position on appeal is that only part of the statute may be unconstitutional, and, if so, should be carved out and the rest of the statutes remain valid.

According to counsel, the "new law" mentioned (Act. No. 2006-518) in this significant item is revising a law which has been struck down as unconstitutional. It is our understanding that the recent "new law" is not in affect until a verdict has been

reached by the Supreme Court re-enacting the previous law. At which time, the "new law" mentioned would go into affect as revised.

During the last year, the Board has worked diligently through its counsel to resolve the ongoing litigation. The Board remains willing to work towards achieving a more stable environment that will facilitate effective service to the public and to our licensees.

Current Status

The board continues to operate under the 1982 interior design title act while awaiting the Alabama Supreme Court's decision on the board's appeal from the ruling of the Jefferson County Circuit Court that the 2001 interior design practice act is unconstitutional.

5. Prior Significant Item – The board by administrative rule precludes the consumer member from participating fully in the administration of the Alabama Interior Design Consumer Protection Act. While operating under the 2001 law, the board established the following nine committees by administrative rule and through these committees the board conducts its business:

1. Registration Committee
2. Education Committee
3. Rules and Regulations Committee
4. Continuing Education Committee
5. Finance Committee
6. Nominations Committee
7. Sealed Level Examination Committee
8. Statewide Nominating Committee
9. Enforcement Committee.

Board rule 485-X-1-.05 requires that each committee chair and each committee member shall have a certificate of registration or authorization as a registered interior designer. Since the consumer member is precluded from holding a certificate by the Code of Alabama 1975, Section 34-15B-4 (2001 law), this requirement effectively excludes the consumer member from serving on any committee.

Prior Response

The board is operating according to the law.

Current Status

The administrative rules that gave rise to the significant item became invalid when the statutory authority upon which they were based was declared unconstitutional. The board currently operates under administrative rules promulgated under authority of the older title law, *Code of Alabama 1975*, Sections 34-15A-1 et seq.

6. Prior Significant Item – The board appears seriously under funded – The board's decision to operate under its 1982 law due its 2001 law being declared unconstitutional (see significant item 1), limits the board's ability to raise operating funds. Board

members have signed waivers declining travel expense reimbursements, and there are currently no employees. A board member processes transactions required to be routed through state offices, while applications for registrations and renewals are processed by members of the board with the assistance of an unpaid volunteer.

Prior Response

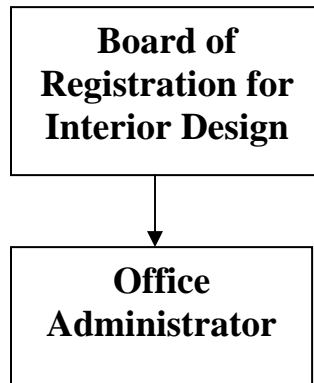
We concur. Operating under the 1982 law will effectively cut the Boards operating expenses by more than 50%. All current operations are done on a volunteer basis without paid employees.

Current Status

This condition remains unchanged. Members of the board carried out the administrative functions of the board through June 20, 2007 with the assistance of an unpaid volunteer. Effective July 1, 2007, the board contracted to pay \$10,000 annually to the previously unpaid volunteer.

ORGANIZATION

Board of Registration for Interior Design



PERSONNEL

The board has no employees. Members of the board carry out the administrative functions of the board with the assistance of an unpaid volunteer.

Matthew Y. Beam of Montgomery, Alabama serves as legal counsel to the board under a legal services contract. The current one year contract for his services provides for compensation at \$120 per hour and expenses not to exceed \$10,000.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee –258

Operating Disbursement per Licensee – \$37 as of 9/30/06.

Number of Persons per Licensee in Alabama and Surrounding States

State	Population	Number of Licensees	Persons per Licensee
Alabama	4,599,030	258	17,826
Florida	18,089,888	2,924	6,187
Georgia	9,363,941	342	27,380
Mississippi	2,910,540	N/A	N/A
Tennessee	6,038,803	523	11,546

The state of Mississippi does not regulate the practice of interior design. The practice of interior design and the practice of architecture are regulated by the same state board in Florida and Georgia. In Tennessee, use of the title of interior designer is regulated by the Board of Architectural and Engineering Examiners.

Notification of Licensees of Board Decisions to Amend Administrative Rules

The board reverted to operation under authority of the *Code of Alabama 1975*, Sections 34-15A-1 et seq and the rules promulgated thereunder and is awaiting the Alabama Supreme Court's ruling on its appeal before taking further action with regard to amend administrative rules. The board did not re-file with the Legislative Reference Service the previously repealed administrative rules. Current statutory authority and administrative rules are posted on the board's Internet website.

Complaint Resolution

Board rules 548-X-7 provide the board's procedure for receipt, documentation and investigation of complaints against licensees and of unlicensed practice of interior design.

Complaint Process

Initial Documentation	Complaints are sent to the board in writing on prescribed forms (violation report) along with a copy of the alleged violation. (Administrative Code, Section 485-X-7-.01.
Informal Disciplinary Procedure	An enforcement committee consisting of a board member and five licensed interior designers representing the five districts of the state investigates the information or complaint to determine whether there is probable cause for disciplinary proceedings. A written violation investigation notice by the Deputy Attorney General Designee is sent to the last known business or residence address of the respondent. (Administrative Code, Section 485-X-7-.02.

Formal Hearings	<p>If the board determines that a hearing is warranted, the board gives written notice of the specific factual allegations and charges against the responded and of the time and place of a hearing by the board. The board may administer oaths and affirmations, examiner witnesses, and receive evidence at a hearing. Upon conclusion of the hearing, the board determines the appropriate action to be taken and notifies the respondent. The accused may appeal from the decision of the board in accordance with the laws of Alabama. (<u>Administrative Code, Section 485-X-7-.03</u>).</p>
Resolution/Disposition	<p>If the board determines that an individual does not hold a certificate of registration or authorization as a registered interior designer or who is not exempted is engaged in the practice of interior design or is using the titles or terms, the board issues a written notice to cease and desist by certified mail.</p> <p>The respondent submits a written response to the alleged violation and indicates either a resolution of the complaint or a detailed admission or denial.</p> <p>If the board is satisfied that the alleged violation is fully resolved, the board chairman or the board's attorney issues a written notice to the respondent that the case is closed (<u>Administrative Code, Section 485-X-7-.03</u>).</p>
Anonymous Complaints	<p>The board voted at its May 11, 2005 meeting to no longer accept anonymous complaints and/or incomplete forms.</p> <p>Complainants remained anonymous until a hearing was conducted and the respondent had the opportunity to confront and cross-examine the complainant and other witnesses. (<u>Administrative Code, Section 485-X-7-.01</u>)</p>

NOTE: Information obtained from the board shows that the board stopped all investigative and enforcement activities in the fall of 2003 pursuant to a request of the Sunset Committee. The board continues to receive, and acknowledge the receipt of, reports of violations of the interior design practice act. Complainants are informed of why the board could not act upon the allegations.

SMART BUDGETING

Acts of Alabama, 2004-50 (HJR89) states, “That all state agencies and entities receiving legislative appropriations are requested to submit to the Joint Legislative Budget Committee budget proposals in performance based budget language and form. This request is applicable for proposals for the 2005-2006 fiscal year to be submitted to the 2005 Regular Session and for each succeeding fiscal year. The Director of Finance is requested to inform each public agency or entity of our desires concerning this matter.”

To comply with this request, the Director of Finance implemented a system of budgeting that requires each agency to report its performance, the system to be named SMART, an acronym for Specific, Measurable, Accountable, Responsive, Transparent.

As a part of the SMART Budgeting system, each agency is required to submit its goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets which are to be achieved through accomplishment of stated objectives, which are single-year targets. In order to report progress, the goals and objectives must necessarily be designed so that the agency can measure annual progress toward their achievement. The SMART Budgeting system includes an Operations Plan and a Quarterly Performance Report. The performance report presents information on achievement of an agency’s annual objectives, and is SMART Budgeting report that presents performance information. If an agency has not included at least one objective for each goal, performance relative to that goal will not be reported. For the 2006 fiscal year, each licensing/regulatory agency was required to have at least one goal and one or more objectives directly related to the goal. Additional annual objectives were allowed without corresponding goals.

Among agencies that were not familiar with reporting performance, we found confusion as to how to design the goals and objectives and how to differentiate between goals and objectives. Routinely we found goals with no directly related objectives. Both goals and objectives were often too abstract to be measurable, and progress toward their achievement could not be meaningfully reported. The Department of Finance is aware of these deficiencies and is taking remedial steps.

In these respects, the Board of Registration for Interior Design was no exception. Some goals were not accompanied by directly related objectives. Some goals and objectives were abstract, and progress toward their achievement could therefore not be measured and reported.

The board submitted a 2006 Operations Plan and data for all quarters for the SMART Quarterly Performance Report. The board also submitted an Operations Plan for 2007. However, the board did not maintain documentation to support the information supplied for the 2006 Performance Report.

Goals and projected performance for the year are presented on the Operations Plan. Actual performance toward achievement of objectives for the year is presented on the Performance Report.

The board's performance goals and objectives for the 2006 and 2007 fiscal years and the examiner's comments are presented in the following table.

2006 & 2007 GOALS	COMMENTS
1. To ensure that only qualified persons are approved to practice interior design and to use the title of interior designer in the State of Alabama.	This is not a performance goal, but is only a statement of what the board is tasked to do by law. The goal does not address how well this task is being done. There is no accompanying objective. Consequently, performance is not reported
2. Maintain an updated database of all approved interior designer practitioners in Alabama	Goal has no measurable target level of performance. There is no accompanying objective. Consequently, performance is not reported.
3. To resolve all issues before the Board in a timely and fair manner.	There is no target level of performance for either timeliness or fairness. Timeliness and fairness are undefined.

2006 OBJECTIVES	REPORTED PERFORMANCE	COMMENTS
1. Budget / current registrants	209.42	The objective has no target level of performance stated. Consequently, not known whether board reached its intended level of performance. There are no units of measure stated. Assume budgeted dollars per registrant. To be meaningful, should be actual expenditure per registrant.

2. Answer all inquiries to board office within one week.	0	Measurable and directly related to goal 3. However, the board did not maintain documentation to support progress toward its achievement. Nothing was reported.
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REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The National Council for Interior Design Qualification (NCIDQ) prepares, owns and administers the board's required licensure examination. The NCIDQ also sets the eligibility requirements for the examination.

FINANCIAL INFORMATION

Fee Schedule

Effective since February 17, 2006

<i>Fee</i>	<i>Amount</i>
Initial Registration Fee	\$50.00
Out-of-State Registration Fee	\$50.00
Annual Renewal Fee	\$50.00
Out of State Renewal Fee	\$50.00
Replacing Lost Certificate	\$25.00
Records Production	Min. \$25.00

Licensing fees are authorized at *Code of Alabama 1975*, Section 34-15A-6 (c) and set by *Administrative Rule* 485-X-3. The records production fee is a matter of cost recovery.

Schedule of Cash Receipts, Disbursements and Balances

October 1, 2002 through September 30, 2006

	2006	2005	2004	2003	2002
<u>Receipts</u>					
Licensing Fees	\$ 29,800	\$ 25,780	\$ 34,595	\$ 39,966	\$ 27,310
<u>Disbursements</u>					
Personnel Costs	\$ -	\$ 800	\$ 3,395	\$ 7,203	\$ 6,818
Employee Benefits	-	61	260	551	522
Travel-in-State	-	-	-	287	2,832
Travel-out-of-State	-	-	-	231	1,618
Repairs and Maintenance	-	-	1,250	-	427
Rentals and Leases	313	405	539	228	-
Utilities and Communications	1,213	1,135	2,171	3,160	2,202
Professional Services	1,273	3,734	8,567	8,572	9,529
Supplies, Materials, and Operating Costs	4,318	5,211	6,147	4,925	5,533
Grants and Benefits	-	-	-	-	-
Other Equipment Purchases	-	1,450	-	-	-
Total Disbursements	\$ 7,117	\$ 12,796	\$ 22,328	\$ 25,157	\$ 29,479
Excess (Deficiency) of Receipts Over Disbursements	22,683	12,984	12,267	14,809	(2,169)
Cash Balance at Beginning of Year	48,981	35,997	23,730	8,922	11,090
Cash Balance at End of Year	71,664	48,981	35,997	23,730	8,922
Reserved for Unpaid Obligations	6,450	6,533	8,900	1,923	935
Unreserved Cash Balance at Year End	\$ 65,214	\$ 42,448	\$ 27,097	\$ 21,807	\$ 7,987

Receipts Vs Operating Disbursements



QUESTIONNAIRES

Board Members

A questionnaire was sent to all six currently serving members of the board. Six responded as follows:

Question #1

Do you believe a board for Interior Designers is necessary?

 6 Yes

 0 No

 0 No Opinion

Board Member #4: The health, safety, and welfare of the public are paramount and regulation is the best way to ensure it.

Board Member #5: It is important that interior designers working in the public arena have accredited education and continuing knowledge of health, safety issues if they are designing spaces that affect the general population.

Board Member #6: A regulatory board allows interior designers to gain professional standing which is necessary to provide the consumer with truly competitive and trustworthy choices for design services providers. As the law stands, consumers must pay double fees in order to hire an independent interior designer because an architect (or other approved professional) is required to stamp all drawings, even if that person has little or no input into the interior designer's work. With this increasingly litigious society, outside professionals are becoming unwilling to provide "stamps" on work they did not execute themselves – even with a stamping fee assessed – [thus] cutting interior designers out of independent practice and reducing competition to consumers.

Question #2

If so, what level of board authority do you believe is appropriate?

a) 0 Certification only of the title of Interior Designer

b) 6 Certification of the title of Interior Designer and regulation of the practice of interior design

Board Member #4: Design today requires education, experience, certification, licensing and continuing education. These are the minimums accepted in North America and Canada.

Board Member #5: We must have the authority to police the certification or it becomes meaningless.

Board Members

Question #3

Do you believe the board's jurisdiction should extend to persons who practice interior decoration (Aesthetics only)?

 5 Yes

 1 No

 0 No Opinion

Board Member #1. Yes. Because of the use of inappropriate materials could endanger the public (or client). This is especially a concern when it occurs in a commercial setting, but is also a concern for residential projects too. If a person performs purely decorative services that do not contain (include) the potentially harmful finish materials and they do not claim to be interior designers or perform interior design services then the Board should never have to deal with this particular issue. (Nor do they have the size and resources to police all the decorators.) If “aesthetics” do not include potentially harmful results to the public I do not believe I would be inclined to pursue jurisdiction but I’m afraid “aesthetics” will include materials that can be mis-specified and potentially be a problem to health and safety.

Board Member #3. I believe the public should be protected.

Board Member #4. Any law must define the boundaries under which registrants must perform duties. What would be legal for “decorators” must be carved out in law so all concerned know their limits.

Board Member #5. [Yes] Only to the extent that they are misrepresenting themselves as interior designers and moving beyond residential decorating.

Board Member #6. [Yes] If that person is representing himself/herself to the consumer that they are an “interior Designer”.
National, state and local building codes govern the use of materials and placement of furnishings for fire protection and handicap accessibility. Decorators, having no required education or testing, are not proven to the public to have even minimal knowledge in the area of building and fire protection codes and the consumer has little recourse if damage occurs due to this lack of knowledge. In other words, the consumer becomes the responsible party when building inspectors cite design-related violations, with potentially expensive consequences. Many decorators routinely work in doctors’ offices, assisted living facilities, and hospitals where our most vulnerable population exists. Use of improper finishes (i.e. not approved by fire, indoor air quality, or accessibility codes for use in the installed area) pose life-safety hazards to the users, and improper use and placement of furnishing and lighting create hardships and may hinder or block accessible escape routes of buildings in cases of emergency.
I have no problem with consumers hiring whomever they wish, as long as our registered professional interior designers are held to a higher standard and the consumer is given clear distinctions of the difference.

Board Members

Additional Comments (by Board member #6): If it is determined, in light of all safety code and accessibility considerations, that the interior design profession should not be regulated by the state, then it is my opinion that no design professionals should be regulated by the state. We need an even playing field for fair competition, and if the consumer is determined to be confident and informed enough to hire one type of design professional, then they should be allowed to hire any other design professional of their choosing with no interference from government agencies. Let the code officials, national testing boards and professional organizations regulate all design practice through design review, testing, and continuing education –

Architects: AIA + NACRB

Interior Designers: ASID & IIDA + NCIDQ

Engineers: NCEES + PE

Kitchen and Bath designers: NKBA + CKD, CMKBD, etc

This will accomplish 3 things:

1. Save our tax-paying professional some hard-earned income and allow them to devote more time to bettering their practices for their clients.
2. Reduce the size of state government, saving general tax-payer dollars.
3. Save consumers money by allowing them to hire someone with just the right skills to execute their project, without paying extras for unneeded abilities. (i.e. hiring a professional home designer rather than an architect, a decorator rather than an interior designer, or an electrician instead of an engineer).

With the repeal of the Code of Alabama 34-15B Alabama Interior Design Consumer Protection Act of 2001, interior designers are back to being *not allowed* to become partners in architectural or other design practices, stanching our ability to move our careers to the highest level of achievement. It is also worthy of mentioning that the interior design profession is dominated by women, many of whom are single working mothers. It is a shame to deprive these truly professional women of the highest levels of their chosen career. Interior designers, with proven qualifications protecting the health, safety, and welfare of the public, should not be unfairly discriminated against when it comes to regulation (or deregulation) of competitive design practices and the ability to run independent design services businesses.

Licensees

A questionnaire was sent to all 256 licensees for whom we had a complete address. 157 responded as follows:

Question #1

Do you believe a board for Interior Designers is necessary?

140 Yes 13 No 1 May be 3 No Opinion

Comments:

2. Maybe – Especially if a designer designs commercial or public spaces and influences public safety.
3. Yes – Absolutely! Now more than ever.
4. Yes – Why not, if we have boards to regulate hairdressers and massage therapists, when this profession is related to health and safety of the public?
5. It is an essential tool for monitoring the practice of interior design, in order to protect safety and welfare of the public at large.
6. Registered Interior designers have spent many hours on work experience, education and exams and should not be in the same classification as Decorators.
7. Yes – Absolutely!
8. There is no other way to protect the public's safety without regulating the profession. The learned aspects of the profession go far beyond the decorative elements in protecting the public and providing the “assumed” safe spaces we occupy daily. 90% of our time is spent indoors and that environment needs a safe level of regulating.
9. We need to protect the public from people who have little or no qualifications

Question #2

If so, what level of board authority do you believe is appropriate?

- c) 30 Certification only of the title of Interior Designer
- d) 118 Certification of the title of Interior Designer and regulation of the practice of interior design
- e) 9 No Response

Comments:

1. But, if there were a board, certification only of the title of Interior Designer would be appropriate.
2. Or less. What exactly is “regulation”?
3. Regulation to a degree and at a minimal cost.
4. Only if it is regulated by offering or accepting continuing education courses like the ones offered to the architects. We might be taken more seriously if those courses approved by the A.I.A. are also approved by the board for Interior Design. The way it was previously done become a waste of time due to the limiting courses offered. I took some computer-aided design courses where I received a certificate applicable to the A.I.A. requirements, but were not acceptable to the Interior Design Board – that was insulting. Our field is very much part of the architectural discipline. However, the way it was previously handled was ridiculous. If our profession is going to be regulated, do it right or not at all. Courses like garden design don’t really gain a lot of respect, but are interesting. I already have hobbies!
5. Regulating the practice of interior design is paramount. It protects the public and the consumer from decorators and other unlicensed individuals.
6. Certification is fruitless without regulation. Would you want a non-certified person selecting “flammable” wallcoverings for a healthcare facility?
7. A title act is almost meaningless, without the practice act.
8. I believe in the Seal Level Exam that was proposed. If the person has met the requirements, education, and passed exams.
9. The “practice” is what protects the public and the “practice” is what code officials look for when awarding building permits. Regulating the “practice” is critical for public safety.
10. Commercial design only.
11. A title act does NOT protect the public. We must all have some knowledge of building codes!
12. If there must be a board, a title act was sufficient. The public was not at risk – There have been no deaths as a result of a decorator choosing drapery fabrics.

Question #3

Do you believe the board's jurisdiction should extend to persons who practice interior decoration (Aesthetics only)?

52 Yes

87 No

18 No Opinion

Comments:

1. [Did not respond] Should decorators have to be licensed? Depends on what the law defines as designer vs. decorator.
2. [No]. As long as decoration/aesthetics are defined vs. the practice of interior design.
3. I suggest proofing your documents before mailing.
4. Yes – To the extent that there should be a record of their business in case a claim is made that they are practicing interior design.
5. Yes – Only as it affects the practice of Interior Design, or the use of the title “Interior Designer”, or as otherwise outlined. This is not a cut and dry question, so it is not easy to answer. Please call me if you have any questions. Thank you.
6. Yes for commercial and multi-family residential. No for residential single detached dwelling.
7. Yes – They have not earned a 4-5 yr. degree, have not passed/taken the NCIDQ – If they are designers then we are architects!
8. Yes – If they provide services that conflict with interior design services (such as space planning, furniture placement, code analysis, etc). If their role was to only pick paint colors, sell furniture, accessories in a retail setting, then No.
9. P.S. – The circumstances surrounding this Sunset Review are a disgrace to the State of Alabama! A complete freak Show!
10. The work of interior “Decorators” is valuable to the home decorating market while these individuals have no training for performing services in the commercial market where adherence to codes and life safety issues are imperative. The purpose of certification is to insure that only trained professionals perform services on projects where public safety is the ultimate goal, not to prohibit “decorators” from performing services in the residential marketplace.
11. Regulation and control to protect the consumer! How many “decorators” pay taxes, work within ethical guidelines, and have the education/experience to charge hourly fees? No wonder we have a bad reputation! Would you hire a contractor

Licensees

- that does not have a license? Many Decorators don't even have business licenses. Please raise the bar to professional standards.
12. Yes – By this I mean that there should be a way to prevent the public from harm – some decorators step over the line into areas of design that they are not trained or educated to practice in. They merely “decide” to practice interior design.
Example: A person who is a nurse, but has watched a surgeon operates “decides” to be a surgeon.
 13. As long as they do not market themselves or their services as “interior design”.
 14. No Opinion – Don't believe payment/receipt of fees should constitute “eligibility as an interior designer”. This board should simply protect the rights/qualifications of qualified designers.
 15. Yes – Due to the flammability of materials used in commercial buildings as well as furniture placement in paths of egress – life safety issues. Sometimes decorators can get projects in public buildings and they are not aware of these issues. Therefore, they may create hazardous conditions to the public through their designs.
 16. No – No regulations on residential decorating only. Anything above someone decorating their own home or minor residential finishes should be regulated. Such as assisting in sales of wallpaper, carpet, etc.
 17. Yes – The board would regulate who can and cannot practice interior design. I am of the opinion that anyone who has not passed the NCIDQ examination should not practice interior design, which directly affects the health, safety, and welfare of the public. A decorator who deals with “aesthetics only” could endanger the public by selecting materials that do not pass NFPA 701 Class A Fire Codes. If a decorator limits their work to residential spaces where fire codes are not applicable, I feel the public is no longer at risk.
 18. No – Only if they violate the title act and refers to themselves as Interior Designers.
 19. If any unlicensed person is practicing interior design – due to the extent of training required for licensure, untrained individuals could harm the health, safety and welfare of the public.
 20. The board needs the right to reprimand those who violate the practice and cross the line of “decorating”. The definition of “aesthetics” or “decoration” is important to understanding the line between decorating and designing. Also, the particular space matters. If the occupancy is residential, hospitality, assembly, educational, etc, “decorating” takes on different requirement. Also, “decorating” such as paint colors has been proven to impact safety and documentation will

support this impact. If the public is truly the focus of who should be best served, then those who violate the law should be subject to punishment. Only those not “practicing” and providing “decorative” services should not be under the board’s jurisdiction.

21. No – As long as they don’t call themselves interior designers.
22. It is very frustrating to take the time to become educated in life safety issues (Example: Fire Safe Materials) and go to the financial expense of maintaining a license and professional memberships, just to have a decorator land an interiors project in a contract setting. It is not uncommon to have someone gifted in combining beautiful color schemes to acquire a contract in say, a law firm on the fourth or fifth floor of a building and drape residential fabrics all over the windows, walls and floor, causing a fire hazard to the individuals working in that space. As I understand it, the fire marshal does not require specifications on the products used in a space such as this because it is not a public space. Tell that to the guy on fire on the fourth floor! So, as it turns out, I am required to take continuing education (additional expense and time) in order to maintain my professional status while those not registered remain free to do as they see fit! It is a must that those individuals not qualified by testing be banned from working in any non-residential environment. These people who choose not to be regulated, practice as they please, often at a hazard to others, while the qualified designers (who often lose contracts to these people) are required to constantly pay fees and attend continuing education to maintain their professional status.
23. Interior Design is a profession which, like most other professions, requires proper education, minimum competency testing, and experience. It is a profession, (the practice of) which affects the health, safety, and welfare of the public. As a former teacher it has been interesting to me to see how many teachers retire from their profession and begin interior design practices with absolutely no education, qualification, knowledge of codes, continuing education, etc. There is no way I would be able to re-enter the teaching profession without being re-certified, or to enter it with no education in the first place.
I believe that interior decoration (aesthetics only) often reaches into areas which affect the health, safety, and welfare of the public. (Example – finish selections or fabric selections in small offices require knowledge of codes, etc.)
24. This is such a painful evolution for interior design. I have worked so hard to get a great education, pass NCIDQ and take my job seriously. The public still doesn’t care. Most people think what I do is so much fun” and I’m tired of explaining it over and over. Sometimes I just don’t care. When they ask if I’ve just been decorating all these homes (after Katrina) – one answer was simply – yes, that’s pretty much what I do. This is very tiring.
25. An interior designer is concerned with the health, safety and welfare of the public, which includes the specification of fabrics and materials that meet the building

Licensees

- code and fire code (i.e. NFPA 701 and class “A” fire ratings). While interior decorators concern themselves only with aesthetics, they do not have knowledge of the codes and may specify something that is aesthetically pleasing but endangers the public. Decorators often practice their trade in locations other than residences such as attorneys’ offices. The purpose of the board is to ensure the health, safety, and welfare of the public by regulating the fields of interior design and decoration.
26. Yes – If in a commercial space. This question is not worded correctly. I would vote no if in a residential space.
27. No – There is an active group of no-talents trying to put the talented, artistic people out of business. They talk about the public welfare, but ask them in what way is selecting paint colors and a sofa critical to that and they will probably mention that you need to know what kind of door handle an elderly person needs. Shameful!
28. I am working on a public project right now alongside a decorator. In the demolition of a bathroom, a support wall was broken by this decorator. She glued sheetrock over the break and hung tiles on the sheetrock. This is very improper. The poses a danger and the wall could fall.
29. [No] I am an NCDQ certified designer. There should be a distinction between decorators and designers – but not so heavily regulated. Designers that want to do the jobs of architects should return to school for a masters’ degree in architecture. I am a retail store and work with decorators on a daily basis. I have yet to see one cross the boundaries of their limitations
30. It depends on what interior decoration and aesthetics means in each situation – which will differ in various situations. For instance, color and paint selection may seem so benign, but in care of the aging and infirmed or the mental or psychologically impaired – color becomes a health, welfare and safety issue and has crossed over into the area of professional interior design responsibility that does need to be monitored and regulated. In order to adequately protect the health, safety and welfare of the public, serious and responsible oversight needs to be enacted on those individuals who cross over into areas beyond the scope of their education and/or qualification
31. No – Other than they not use the title “interior designer” if they are not so qualified.

APPENDICES

Smart Budgeting Reports

State of Alabama EBO Form No. 4b		AGENCY NAME: BOARD OF REGISTRATION FOR INTERIOR DESIGN FY 2006 SMART OPERATIONS PLAN		Agency No. 318 Page 1 of 1																									
		ACTUAL FY04 22,855	BUDGET FY05 40,000	BUDGET FY06 40,000																									
MISSION	<p>Regulate and license individuals' practice of Interior Design and the use of title "Interior Designer" (Alabama Code Section 34-15B)</p> <p>Related Governor's Priorities:</p> <ol style="list-style-type: none"> 1. Protect the citizens of Alabama from unqualified practitioners. 2. Requiring established high standards in approved university programs ensure qualified interior design graduates. 3. Qualified interior designers are more attractive to potential employers and clients. 4. Qualified interior designers understand psychological effects of space planning, colors, and finishes. 5. Qualified interior designers understand building codes and accessibility requirements. 6. Qualified interior designers understand "green building" concepts, with many becoming LEED certified. 																												
PROGRAM GOAL(S)	<p>653 Professional and Occupational Licensing and Regulation</p> <p>To ensure that only qualified persons are approved to practice interior design and to use the title of interior designer in the State of Alabama.</p> <p>To maintain an updated database of all approved interior design practitioners in Alabama.</p> <p>To resolve all issues before the Board in a timely and fair manner.</p>																												
WORKLOAD	Number of active registrants will increase by 3% per year. Because of our renewal process, this number will not be final until January 1.	210	216	223																									
CRITICAL ISSUES	<p>Internal Too few office hours to properly serve registrants</p> <p>External</p> <ol style="list-style-type: none"> 1. Lack of knowledge among design community and Sunset Committee members about the Interior Design law and the legal role of the Interior Design Board and our members. 2. The Interior Design Fund is separate from the General Fund. It is burdensome and expensive for small, independently-funded agencies to go through extra appropriations, operations plan revisions, journal vouchers, and certain other accounting and budget request processes in order to access our funds. (We agree that a general Board budget should be submitted each year.) 3. Lack of a central governmental database with current contact, mailing, and billing information, has proven to be a major problem in timely receipt of important mail and shipments. There should be ONE database for this info instead of the Board trying to figure out which agencies, and even individuals, are using outdated info held in their personal files or computer. 4. Resolve lawsuit. 5. Hope for successful passage of amendments to current law. 6. Satisfy concerns of the Sunset Committee with resolution of legal issues. 																												
OBJECTIVES	<table border="1"> <tr> <td>Spending</td> <td>Hold future spending increases to not more than 10%</td> <td>Expenses</td> <td>22,855</td> <td>40,000</td> <td>40,000</td> </tr> <tr> <td>Staffing</td> <td>Maintain or increase current staffed hours at Board office</td> <td>Hours</td> <td>20</td> <td>18</td> <td>18</td> </tr> <tr> <td>Efficiency</td> <td>Budget + current registrants</td> <td></td> <td>\$108</td> <td>\$185</td> <td>\$179</td> </tr> <tr> <td>Quality</td> <td>Answer all inquiries to the Board office within one week</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>					Spending	Hold future spending increases to not more than 10%	Expenses	22,855	40,000	40,000	Staffing	Maintain or increase current staffed hours at Board office	Hours	20	18	18	Efficiency	Budget + current registrants		\$108	\$185	\$179	Quality	Answer all inquiries to the Board office within one week				
Spending	Hold future spending increases to not more than 10%	Expenses	22,855	40,000	40,000																								
Staffing	Maintain or increase current staffed hours at Board office	Hours	20	18	18																								
Efficiency	Budget + current registrants		\$108	\$185	\$179																								
Quality	Answer all inquiries to the Board office within one week																												
STRATEGIES	<ol style="list-style-type: none"> 1. Reduce postage expenses by directing people to website for downloadable publications. 2. Utilize work study students or interns to help staff Board office 3. Use committees of persons not on Board to conduct research on violations and applications 4. Board meetings to focus on applications and major violations 5. Hire permanent Administrator to handle day-to-day business 																												

Smart Quarterly Performance Report											
Fiscal Year: 2006											
Agency: 318 Interior Design, Alabama State Board of Registration for											
Org:											
Program: 653 PRO AND OCCU LICENSING AND REG											
Activity: 0457 LIC & REG/INTERIOR DESIGNERS											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: Current Registrants	3% Annual Gain	218	167	220	167	221	180	223	191	223	191
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: Hold spending increases to not more than 10% annually	\$40,000 Maximum	10,055	1,449.88	11,955	5,044	8,995	5,714	8,995	5,985.8	40,000	5,985.8
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: Maintain or increase staffed office hours	18 hrs/week	18/week	18/week	18/week	18/week	18/week	18	18/week	18 hrs/week	18/week	18/week
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Budget divided by current registrants	0	179	6.87	179	24	179	178	179	209.42	179	209.42
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Answer all Board inquiries within 1 week	0	0	0	0	0	0	0	0	0	0	0
Item #	Notes										
SP1- Due to lawsuit which is in appeals process, the Board is under orders to perform only basic, necessary financial functions until further notice.											
How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2005-06 affected your agency in meeting its desired accomplishments and services?											
Legislation passed without the Board's knowledge or input could have negative repercussions on the outcome of a current lawsuit and in relation to Board actions regarding recent applications for registration. Because of actions taken without Board knowledge, our board attorney had to devote extra time to figure out how this affects the board in it's current capacity and whether this will negate recent approvals of registration after this legislation came into effect.											
What administrative improvements did your agency make in fiscal year 2005-06 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements.											
The State should consider giving self-funded regulatory Boards independant status. They would still be answerable to the State, but operations and funds would be handled internally. This would give these boards much more flexibility to respond to emergency spending and save much time and money filling out the overabundance of bureaucratic paperwork which is currently required of these small agencies.											

2007 SMART Operations Plan

Agency/ Org	318 - Interior Design, Alabama State Board of Registration for
Organization	-
Program	653 - PRO AND OCCU LICENSING AND REG
Activity	-

Mission	Regulate and license individuals' practice of Interior Design and the use of title "Interior Designer" (Alabama Code Section 34-15B)
Vision	Dedicated to strengthening the profession of interior design in the State of Alabama.
Values	To serve Alabama's interior designers with fairness and integrity.

Goals	<p>G1: To ensure that only qualified persons are approved to practice interior design and to use the title of interior designer in the State of Alabama. (GP-5)</p> <p>G2: Maintain a current database of all registered interior designers in Alabama (GP-5)</p> <p>G3: To resolve all issues before the Board in a timely and fair manner. (GP-1)</p>
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Critical Issues	<p>Internal ICI1: Too few office hours to serve registrants (G3)</p> <p>Internal ICI2: Volunteer board members must put their businesses and employers first over board issues. (G3)</p>
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External ECI1: Legislators' and public lack of knowledge about the Interior Design profession (G1)
External ECI2: Burdensome State bureaucracy for small agency staffed by volunteers (G3)
External ECI3: Lawsuits threaten mission of Agency (G1)

Strategies	<p>1). Attorney General to aid in determining which law the Board is to be following until resolution of lawsuit. ()</p> <p>2). Utilize volunteer administrative assistant in Board office. ()</p>
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Workloads							Performance Indicator	
Number of active registrants will increase by 3% per year.							0	
FY 07 Projected: 0							FY 07 Target: 234	
FY07 Quarterly Projections:	1 st Qtr:	228	2nd Qtr:	230	3 rd Qtr:	232	4 th Qtr:	234

Objectives							Performance Indicator	
Spending		Hold future spending increases to not more than 10%					dollars	
FY 07 Projected: 0		FY 07 Target: 50,000.0						
FY07 Quarterly Projections:	1 st Qtr:	13430	2nd Qtr:	15830	3 rd Qtr:	10370	4 th Qtr:	10370
Staffing		Maintain or increase current staffed hours at Board office					hours	
FY 07 Projected: 0		FY 07 Target: 936						

2007 SMART Operations Plan

FY07 Quarterly Projections:	1 st Qtr:	234	2nd Qtr:	234	3 rd Qtr:	234	4 th Qtr:	234
Efficiency	Budget ÷ current registrants						dollars per registrant	
FY 07 Projected: 0		FY 07 Target: 214						
FY07 Quarterly Projections:	1 st Qtr:	219	2nd Qtr:	217	3 rd Qtr:	215	4 th Qtr:	214
Quality	Answer all inquiries to board office within one week.						responses vs.inquiry	
FY 07 Projected: 0		FY 07 Target: 520						
FY07 Quarterly Projections:	1 st Qtr:	130	2nd Qtr:	130	3 rd Qtr:	130	4 th Qtr:	130

2007 SMART Operations Plan

Source of Funds			
Fund Code	Fund Name	Requested FY 07	Budgeted FY 07
0364	0151 Interior Design Fund	\$50,000	\$50,000
Total of all Funds Listed Above:		\$50,000	\$50,000

TITLE 34 CHAPTER 15A. INTERIOR DESIGNERS

§ 34-15A-1. Definitions.

As used in this chapter, unless a contrary meaning is clearly intended from the context in which the term appears, the following terms shall have the meanings hereinafter indicated:

(1) Board. The Alabama State Board of Registration for Interior Designers.

(2) Interior designer. A person who is engaged, or offers to engage in, the practice of interior design in this state, as hereinafter defined, and who has been duly registered with the board in accordance with the provisions of this chapter.

(3) Interior design. The performance of, or offering to perform, services hereinafter described, for a fee or other compensation, to another person, or to a partnership, corporation, or other legal entity, in connection with the design, utilization, furnishing or fabrication of elements in interior spaces in buildings, homes, and related structures. Such services include, but shall not be limited to, the following: programming the functional requirements for interior spaces; preparing analyses of user needs; planning interior spaces; preparing designs, drawings and specifications for selection, use, location, color, and finishes of interior materials, equipment, furnishings and furniture; and administering contracts for fabrication, procurement or installation in connection with such designs, drawings and specifications. Nothing contained herein shall preclude any person from performing, or offering to perform, any of the above-described services, provided that such person shall not be permitted to use or be identified by the title "interior designer."

(Acts 1982, No. 82-497, p. 825, § 1.)

§ 34-15A-2. Registration required for practice of interior design.

In order to safeguard public welfare and promote public good, any person practicing or offering to practice interior design, privately or in public service, shall be required to submit evidence to the board that he is qualified to practice and shall become registered as hereinafter provided. Those persons practicing or offering to practice interior design at the time this chapter becomes effective shall apply to become registered within one year of May 4, 1982.

(Acts 1982, No. 82-497, p. 825, § 2.)

§ 34-15A-3. Requirements for registration.

For registration as an interior designer, evidence must be submitted to the board that the applicant:

(1) Has satisfactorily completed 60 quarter-semester college credit hours or 48 tri-semester college credit hours related to the field of interior design; and

(2) Has satisfactorily established by written examination his competence to perform the services of an interior designer; or

(3) Provides evidence of registration or licensing in another state whose requirements for registration or licensing are equivalent to Alabama's requirements and who extend the same privilege to those registered in Alabama.

(Acts 1982, No. 82-497, p. 825, § 3.)

§ 34-15A-4. Examinations.

Examinations for the purpose of registration shall be held by the board at least twice a year. The board shall adopt rules and regulations covering the subjects and scope of the examinations and any exemptions therefrom as may be deemed appropriate, shall establish fees for examination as may be deemed appropriate, provided that such fees shall not exceed \$150.00, shall publish appropriate announcements, and shall conduct the examinations at the times and places designated.

(Acts 1982, No. 82-497, p. 825, § 4.)

§ 34-15A-5. Board of Registration for Interior Designers -- Creation; membership; terms; vacancies; expenses; chairman and secretary; quorum; oath.

(a) There is hereby created the Alabama State Board of Registration for Interior Designers which shall consist of five members. The board shall be appointed by the Governor from nominees submitted by the public. The board shall be comprised of the following: Three members shall have been in the practice of, or engaged in the teaching of, interior design, or a combination thereof, for not less than five years prior to appointment; one member shall have been in active practice as an architect in this state, or engaged in the teaching of architecture in this state; one member shall be a layman. The terms of office of said members shall be five years, of which one term expires each year. Any vacancy occurring at any time in the membership of the board shall be filled by the Governor's appointing a successor for the unexpired term from a list of nominees submitted by the board or the public. Members of the board may not serve more than two consecutive terms at a time.

(b) The members of the board shall receive no salary or other compensation for their services as members, but shall be reimbursed for reasonable and necessary expenses incurred in carrying out their duties.

(c) The board shall elect annually from its members a chairman and secretary.

(d) Three members of the board shall constitute a quorum for the transaction of business, of which a majority vote is required for approval of any decision.

(e) Each member of the board shall take the oath of office as prescribed by the Constitution of the State of Alabama.

(Acts 1982, No. 82-497, p. 825, § 5.)

§ 34-15A-6. Board of Registration for Interior Designers -- Powers and duties.

(a) The board shall have the powers and duties enumerated in this section.

(b) The board shall hold at least two meetings per year for the purpose of examining candidates for registration as interior designers. It may hold such other meetings and hearings as required for the proper performance of its duties under this chapter. All meetings shall be held within the State of Alabama.

(c) The board shall issue certificates of registration in accordance with this chapter and shall establish such fees for the issuance and renewal of such certificates; provided, however, that such fees shall not exceed \$50.00 per year.

(d) The board shall establish rules and regulations concerning revocation or

suspension of certificates of registration as an interior designer and the grounds therefor.

(e) The board may adopt a seal for use in transacting its official business.

(f) The board shall keep a record of its proceedings and shall make an annual report thereon to the Governor and the Legislature.

(g) The board shall maintain an official roster showing the name, registration number, and address of all interior designers registered under this chapter and in good standing.

(h) The board shall have such employees as may be provided in the annual state budget.

(i) For the purpose of enforcing the provisions of this chapter, the board:

(1) May conduct investigations and hold hearings concerning any matter covered by this chapter at any time or place within the State of Alabama;

(2) May administer oaths and affirmations, examine witnesses and receive evidence; and

(3) May seek legal or equitable relief from the state circuit courts against persons who violate the provisions of this chapter.

(Acts 1982, No. 82-497, p. 825, § 6.)

§ 34-15A-7. Interior Designer Fund.

The secretary of the board shall receive and account for all moneys derived under the provisions of this chapter and the rules and regulations promulgated by the board and shall, not later than the tenth day of each month, pay all such moneys collected during the previous month to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Interior Designer Fund." Such funds shall be kept separate and apart from all other moneys in the treasury, and shall be paid out for the expenses of the board and for enforcing this chapter only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the chairman and attested by the secretary of the board; provided, however, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, Chapter 4, Article 4. Under no circumstances shall the total amount of warrants issued by the comptroller in payment of the expenses and compensation of the board and of enforcing this chapter exceed the amount provided therefor by the Legislature from the "Interior Designer Fund" in the general appropriation bill.

(Acts 1982, No. 82-497, p. 825, § 7.)

TITLE 34 CHAPTER 15B. INTERIOR DESIGN CONSUMER PROTECTION ACT

(Ruled unconstitutional – see page 47)

§ 34-15B-1. Short title. This chapter shall be known and may be cited as the "Alabama Interior Design Consumer Protection Act."
(Act 2001-660, p. 1365, § 1.)

§ 34-15B-2. Legislative findings. The Legislature finds and declares that interior design is a learned profession, involving issues such as indoor pollution, fire safety, space planning, and requirements of special needs citizens. For this is a matter of public interest, safety, protection, and concern that persons practicing interior design merit and receive the confidence of the public and that only qualified persons be permitted to practice interior design in the State of Alabama. This chapter shall be liberally construed to carry out these purposes.
(Act 2001-660, p. 1365, § 2.)

§ 34-15B-3. Definitions. As used in this chapter, the following words and phrases shall have the following meanings:

- (1) Board. The Alabama State Board of Registration for Interior Design.
- (2) Certificate of registration. The title of the license issued by the board to an individual in order to authorize the individual to engage in the practice of interior design in the State of Alabama.
- (3) Interior designer. A person who is engaged in, or offers to engage in, the practice of interior design in this state, and who has been issued a certificate of registration by the board in compliance with this chapter.
- (4) Practice of interior design. a. The performance of, or offering to perform, services for a fee or other compensation, directly or indirectly, to another person, or to a partnership, corporation, or other legal entity, in connection with the design, utilization, furnishing, or fabrication of elements in interior spaces in buildings, homes, and related structures. These services include, but are not limited to, the following: Programming the functional requirements for interior spaces; planning interior spaces; preparing analyses of user needs for interior spaces; preparing designs, drawings, and specifications for selection, use, location, color, and finishes of interior walls, materials, equipment, furnishings, furniture, and personal property; administering contracts for fabrication, procurement, or installation in connection with reflected ceiling plans, space utilization, furnishings, or the fabrication of nonstructural elements within and surrounding interior spaces of buildings.
 - b. The practice of interior design shall not include any of the following:
 1. Design of architectural and engineering interior construction relating to building systems, which includes building structural support, elevators, plumbing, heating, ventilation, air conditioning, fire protection, and mechanical and electrical systems, except for specification of fixtures and lamps and their location within interior spaces.
 2. Modification of existing building stairwells and elevator shafts.

3. Modification of existing building construction so as to alter the number of persons for which the means of egress of a building is designed.

4. The performance of consultation or services pursuant to selling, selecting, or assisting in selecting personal property or fixtures, such as, but not limited to, furnishings, decorative accessories, furniture, paint, wall coverings, window treatments, floor coverings, surface mounted lighting, or decorative materials, pursuant to a consultation or retail sale; installing or coordinating installation as part of the prospective retail sale or consultation; or providing computer-aided or other drawings for the purpose of retail sales or consultation, provided those drawings are for placements or materials lists. Nothing herein shall prohibit any person from charging a fee for such services whether or not a consultation or retail sales is consummated. Provided, however, an individual, partnership, or corporation shall not use the title designations set forth in Section 34-15B-8 nor receive a certificate of registration without successful completion of the NCIDQ examination and/or a sealed level examination, as applicable and as approved by the board. Services performed shall be subject to all fire, safety, building, and construction codes.

(5) Practicing interior design. Performing, or offering or attempting to perform, any service, work, act, or thing, within the scope of the definition of the practice of interior design.

(6) Registered interior designer. A person who is engaged in, or offers to engage in, the practice of interior design in this state, who has been issued a certificate of registration by the board in compliance with this chapter, who has been further approved by the board as a registered interior designer, and who has successfully passed a sealed level examination or an equivalent examination approved by the board. A registered interior designer may exercise all titles and authority issued by this chapter to both a registered interior designer and an interior designer. Registered interior designers may submit sealed stamped drawings, which reflect registered interior design status, to building officials in accordance with this chapter so long as the drawings do not include the design of items specifically excluded from the practice of interior design as defined in subdivision 4, unless the drawing utilizes, references, and incorporates documents prepared by architects, engineers, or other related professionals.

(7) Sealed level examination. An examination, regardless of its eventual title, approved by the board, and administered by an entity approved by the board, which includes testing on technical aspects of interior building systems, structural, framing, mechanical, plumbing, and electrical, as they relate to the profession of interior design.

(Act 2001-660, p. 1365, § 3.)

§ 34-15B-4. Alabama State Board of Registration for Interior Design. (a) There is hereby created the Alabama State Board of Registration for Interior Design, to be comprised of seven members appointed by the Governor in the manner set forth in this section. All persons serving as members of the Alabama State Board of Registration for

Interior Designers pursuant to Section 34-15A-5, on August 1, 2001, shall immediately serve as interim board members of the Alabama State Board of Registration for Interior Design created by this chapter until members of the board are appointed under this section. Within 90 days after August 1, 2001, the Governor shall appoint the initial seven members in the manner set forth below to replace the interim members.

(b) Of the seven members appointed by the Governor within 90 days, two members shall be appointed for initial terms of two years, two members shall be appointed for initial terms of three years, and three members shall be appointed for initial terms of four years. After the initial appointments, all subsequent appointments shall be for terms of four years, except an appointment to fill a vacancy, which shall be for the unexpired term only. No member shall serve more than two consecutive terms of office. All members shall continue to serve until a successor is appointed.

(c) For continuity purposes of the board, one of the seven board members initially appointed by the Governor within 90 days shall have served as an interim board member and member of the predecessor Alabama State Board of Registration for Interior Designers for a period totaling at least two years, but not more than six years. That board member shall be nominated by the statewide nominating committee as detailed below; shall serve an initial term of two years; and shall represent the district of his or her residence, as detailed in subsection (e), on the board. Upon completion of that board member's two-year term, the statewide nominating committee shall submit the names of two persons from that district to the Governor to fill the next four-year term from that district, as provided in subsection (e).

(d) The composition of the board shall be as follows:

(1) Five members of the board shall hold valid certificates of registration pursuant to this chapter, shall be engaged in the full time practice of interior design, and shall be appointed from districts as detailed in subsection (e), with the exception that five of the initial members shall have been registered as interior designers prior to August 1, 2001, pursuant to Chapter 15A of this title.

(2) One member shall be a professional educator, who teaches in a college or university level interior design program; and one member shall be a consumer who does not hold a certificate of registration.

(3) Of the preceding seven members, at least one must be a member of a minority race.

(e) The five members of the board holding valid certificates of registration, and appointed by district, shall be appointed as follows:

(1) Five districts shall be created: Northern; Central; Western; Eastern; and Southern. One person holding a valid certificate of registration shall be appointed from each district.

(2) The Northern District shall be comprised of Lauderdale, Colbert, Lawrence, Limestone, Morgan, Cullman, Marshall, Madison, Jackson, DeKalb, Cherokee, Etowah, Calhoun, and Cleburne Counties.

(3) The Central District shall be comprised of Blount, Jefferson, St. Clair, and Talladega Counties.

(4) The Western District shall be comprised of Marion, Winston, Lamar, Fayette, Franklin, Walker, Pickens, Tuscaloosa, Sumter, Greene, Hale, Bibb, Perry, Dallas,

Marengo, Choctaw, Lowndes, Shelby, and Wilcox Counties.

(5) The Eastern District shall be comprised of Randolph, Clay, Chilton, Coosa, Tallapoosa, Chambers, Autauga, Elmore, Lee, Macon, Montgomery, Bullock, Pike, Coffee, Dale, Henry, Barbour, Russell, and Crenshaw Counties.

(6) The Southern District shall be comprised of Butler, Covington, Conecuh, Escambia, Houston, Monroe, Clarke, Washington, Mobile, Geneva, and Baldwin Counties.

(7) Within 30 days from August 1, 2001, the chair of the interim board shall notify in writing every individual registered as an interior designer pursuant to Chapter 15A of this title, and every individual holding a valid certificate of registration under this chapter, who resides in the foregoing districts of the time and place for a district nomination meeting. The purpose of the district nomination meeting shall be for the selection of members to a statewide nominating committee. The district nomination meeting shall be held within 40 days from August 1, 2001.

(8) At the district nomination meetings, the members of each district shall select a chair for their respective districts for the meeting, shall proceed according to Robert's Rules of Order, as most recently revised, and shall select one person to serve on the statewide nominating committee. The person may be selected by a plurality of the vote and he or she shall be registered as an interior designer pursuant to Chapter 15A of this title, or hold a valid certificate of registration under this chapter, and reside in the district.

a. The statewide nominating committee shall be composed of one person from each of the foregoing districts. Each person selected for the statewide nominating committee shall immediately notify the chair to the interim board of his or her selection.

b. Within 10 days after its selection, the statewide nominating committee shall meet at a time and place scheduled by the chair of the interim board and do all of the following:

1. Select a chair for the meeting, and proceed according to Robert's Rules of Order, as most recently revised.

2. Select the names of two persons from each district who hold a valid certificate of registration and reside in the districts and send those names and the name of the initial member detailed in subsection (c) to the chair of the interim board, who shall submit the names to the Governor.

c. The Governor shall then appoint one of the two persons from each of the five districts and the initial board member detailed in subsection (c) so nominated to the board. If no appointment is made within 90 days of August 1, 2001, or within 90 days of the end of a board member's term, the statewide nominating committee shall select a new board member from the names of the two persons that the board submitted to the Governor.

(9) Excluding the interim board, each board member nominated by the statewide nominating committee shall reside in the district from which he or she was appointed.

(10) Initial nominations to the board shall be submitted by the statewide nominating committee to the Governor within 60 days of August 1, 2001. Thereafter, the statewide nominating committee shall submit the names of two persons to the

Governor in the foregoing manner no later than 60 days of the expiration of a board member's term, or no later than 60 days of any vacancy on the board.

(11) A statewide nominating committee shall be elected in the foregoing manner every four years for the purpose of filling any vacancies or expired terms which may occur after the initial appointments to the board. The statewide nominating committee shall be convened, by call of the chair of the statewide nominating committee or notice from a majority of the members thereof, as soon as practical whenever a vacancy occurs on the board or at any time within 60 days preceding the expiration of the board member's term. After the initial appointments referenced in subsection (a), all future appointments to the board shall be made in the manner set forth herein. If a vacancy occurs on the statewide nominating committee, the chair of the district where the vacancy has occurred shall schedule a meeting and the members of that district who hold a valid certificate of registration shall select a person holding a valid certificate of registration from that district to fill the vacancy. After a period of one year, only persons holding a valid certificate of registration under this chapter may vote in a district nomination meeting or serve upon the statewide nominating committee.

(f) The educators and consumer members of the board shall be selected by the Governor within 90 days of August 1, 2001, with or without input from the statewide nominating committee; provided, however, neither of the remaining two members of the board may be employed in the fields of construction, architecture, engineering, interior design-interior decorating or any related field, other than teaching in a college or university level interior design program.

(g) The Governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written notice of the same and has been given an opportunity to be heard by the Governor. Absence from any three consecutive meetings of the board, without cause acceptable to the Governor, shall be deemed cause for removal of any member.

(h) Each member of the board shall receive the same per diem, travel, and expense allowance as is paid by law to state employees for the time spent in the performance of his or her duties and in necessary travel.

(i) The board shall hold two or more meetings per year for the purpose of performing its duties pursuant to this chapter. A simple majority of the members of the board shall constitute a quorum at any meeting. A simple majority vote of the members present shall be sufficient to transact the business of the board. At the initial meeting of the board, to be convened by the Governor within 30 days after the initial appointments are made, the board shall elect a chair from among its members. Thereafter, a chair shall be elected at the first meeting of the board held after October 1 of the following year; the previous chair shall continue to serve until a successor is elected. Vacancies in such chair position shall be filled by act of the board.

(j) The chair may appoint a full-time or part-time executive director or administrative assistant to the board, with the consent of the majority of the members of the board. The executive director or administrative assistant shall serve at the pleasure of the board. The executive director or administrative assistant's salary shall be set by the board, and he or she shall be the executive officer to the board, but shall not be a member of the board.

The board, by majority vote of its members, may employ additional persons, who shall serve at the pleasure of the board, to assist the board and the executive director or administrative assistant in the keeping of the records and in the performance of its duties, subject to available funding.

(Act 2001-660, p. 1365, § 4.)

§ 34-15B-5. Powers and duties of board. The board shall perform the following duties, subject to the other provisions of this chapter:

- (1) Administer fully this chapter and any rules, regulations, or guidelines promulgated by the board pursuant to this chapter.
- (2) Prescribe, make, adopt, and amend such rules and regulations pursuant to the Alabama Administrative Procedure Act as the board deems necessary to carry out the provisions of this chapter.
- (3) Institute and conduct hearings involving charges against individuals issued a certificate of registration or authorized by the board as registered interior designers, as further provided in this chapter.
- (4) Issue seals and/or certificates of registration to individuals approved by the board as registered interior designers in accordance with this chapter for which an annual fee, in an amount to be determined by the board, shall be assessed and collected.
- (5) Specify the design of official seals to be used by persons authorized as registered interior designers by the board. Each person authorized as a registered interior designer shall purchase from the board such seal with which he or she shall identify all plans, specifications, drawings, reports, or related documents prepared or issued by him or her. The seal shall contain the name of the person authorized as a registered interior designer together with any number or identifying information issued by the board. No individual shall use a seal unless the individual at that time is then authorized as a registered interior designer, including all required renewals thereof.
- (6) Institute legal proceedings for violations of this chapter.
- (7) Grant, deny, revoke, suspend, or reinstate certificates of registration and/or seals and authorizations issued to registered interior designers in conformity with this chapter.
- (8) Keep a record of its proceedings and make an annual report thereon to the Governor and the Legislature.
- (9) For the purpose of enforcing this chapter, conduct investigations and hold hearings concerning any matter covered by this chapter at any time or place within the State of Alabama; administer oaths and affirmations, examine witnesses, and receive evidence; and seek legal or equitable relief from the state circuit courts against persons who violate this chapter.
- (10) Establish standards and requirements of continuing education as a prerequisite to the renewal of a certificate of registration and, if applicable, the renewal of authorization as a registered interior designer on and after August 1, 2001.
- (11) Maintain an official roster showing the name, registration number, and address of all individuals receiving a certificate of registration and/or seal and

authorization as a registered interior designer from the board, together with the date, term of the issuance, and the place or places of business where each respective individual is engaged in the practice of interior design, and a record of all renewals, revocations, suspensions, reinstatements, or other actions taken in regard to such persons.

(12) When necessary, require the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence, and materials in any hearing, investigation, or other proceeding before the board, by means of discovery as provided in the Alabama Rules of Civil Procedure.

(13) Employ attorneys, accountants, and other persons as may be necessary to assist the board in carrying out this chapter when there is a need for such services and when funds are available for such services.

(14) Adopt rules providing for individuals who have previously obtained a certificate of registration and/or authorization as a registered interior designer to be classified inactive and to avoid the payment of annual fees so long as these individuals do not engage in the practice of interior design during inactive status.

(15) Issue certificates of registration in accordance with this chapter for which an annual fee, in an amount to be determined by the board, shall be assessed and collected.

(16) Establish procedures for and assess fees for the administration of this chapter, by administrative rules, including, but not limited to, the following items: The application and examination of applicants for certificates of registration; the application and examination of applicants for registered interior designer authorization; late fees; continuing education; and hearings before the board.

(Act 2001-660, p. 1365, § 5.)

§ 34-15B-6. Qualification for certificate of registration. (a) Applications for certificates of registration may be submitted only on forms prescribed and furnished by the board. The board shall promptly notify any applicant of the requirements for receipt of a certificate of registration and the schedule of fees established by it for receipt of a completed application.

(b)(1) The board may issue a certificate of registration authorizing an individual to engage in the practice of interior design and use the title of interior designer in the State of Alabama, only if:

a. The applicant is determined by the board to be of good moral character.

b. The applicant has successfully passed the National Council for Interior Design Qualification (NCIDQ) examination, or an equivalent examination, accepted and approved by the board, based on the standards set by the NCIDQ.

c. The applicant is a graduate of a Foundation for Interior Design Education Research (FIDER) accredited interior design program or its equivalent based on content standards set by FIDER.

(2) Each applicant shall have a combined minimum record of passing 48 semester or 60 quarter hours of board approved interior design education and practical experience under the guidance of a person holding a valid certificate of registration, or any individual approved by the board to total a minimum of six years.

(3) The board shall approve the equivalent interior design educational programs based on content standards set by FIDER and standards set by the NCIDQ or subsequent and equal accrediting and testing agencies.

(c) The board shall adopt rules providing for the review and approval of the aforementioned required full-time interior design experience and educational programs. For purposes of this section, full-time experience means at least 35 hours per week; 40 semester hours or 60 quarter hours in an approved collegiate level interior design program are equivalent to two years of education.

(d) Those applicants found qualified by the board shall be granted a certificate of registration which shall bear the registration number, the full name of the applicant, the date and term of issuance, the seal of the board, and the signature of the chair and the Secretary of State. Every certificate of registration shall be maintained in the possession of the individual to whom it is issued and shall be posted in the business office where he or she practices.

(e) Certificates of registration shall expire and become invalid on the 30th day of September following their issuance or renewal, unless renewed in accordance with this chapter. Certificates of registration issued to those who are in the armed forces of the United States shall not expire until the 30th day of September following the individual's discharge or final separation from the armed forces of the United States. Renewal may be accomplished at any time prior to and during the month of September by the payment of an annual fee, as prescribed by the board, through procedures as may be developed by the board.

(f) Notwithstanding the requirements of subsection (b), any individual registered as an interior designer on August 1, 2001, pursuant to Chapter 15A of this title shall be entitled, upon application to the board within a period of one year after August 1, 2001, to receive a certificate of registration under this chapter.

(g) Any individual registered or licensed to practice interior design in any state of the United States, other than the State of Alabama, who has successfully passed the NCIDQ examination or an equivalent examination, accepted and approved by the board, may apply for a certificate of registration which shall be issued if the individual otherwise complies with the requirements imposed on all applicants.

(Act 2001-660, p. 1365, § 6.)

§ 34-15B-7. Authorization and seal; examination committee. (a) Applications for registered interior designer authorization from the board may be submitted only on forms prescribed and approved by the board. The board shall promptly notify the applicant of the requirements for receipt of registered interior designer status and the schedule of fees established by the board for receipt of a completed application.

(b) The board shall approve individuals as registered interior designers, issue the design of an official seal indicating the same, and authorize the individuals to use the title of registered interior designer only if the applicant is determined by the board to have met each of the following qualifications:

(1) The applicant shall hold a valid certificate of registration prior to the submission of an application for registered interior designer status and the applicant must meet all qualifications required to receive and maintain a valid certificate of

registration.

(2) The applicant shall be a graduate of an accredited interior design program of four years or more at a college or university approved by the board based on standards established by the NCIDQ and FIDER criteria or their equivalent.

(3) The applicant has successfully passed the sealed level examination.

(c)(1) One hundred eighty days after August 1, 2001, an examination committee shall be named and established as provided herein to develop the sealed level examination to be given to persons seeking authorization as a registered interior designer. The examination committee shall be composed of the following persons: Three members shall be appointed by the board; three members shall be appointed by the Alabama State Board of Registration for Architects; two members shall be registered professional engineers, one of whom shall be appointed by the board and one of whom shall be appointed by the Alabama State Board of Registration for Architects; one member shall be a code official appointed by the Code Officials Association of Alabama; and one member shall be a representative from NCIDQ who shall be a nonvoting ex officio member and who shall act in an advisory capacity to norm the examination and be an observer only to the content and selection of test questions. In addition, there shall be another nonvoting ex officio member, the Chair of the Senate Committee on Rules, who shall also be the initial chair of the committee and shall serve as a nonvoting moderator. After the initial chair no longer serves as Chair of the Senate Committee on Rules, the chair shall be selected by a majority vote of the Alabama Senate from its membership. Such selection shall be made quadrennially.

(2) Once members of the examination committee are initially appointed, they shall serve at the pleasure of the appointing authority. Any member of the examination committee who is replaced shall be replaced by a person from the same profession or category, and shall be selected as designated above and submitted by the relevant entity. The examination committee shall adjourn after the board accepts a final version of the sealed level examination, but the committee may be recalled by the board from time to time as the board may require. The examination shall be updated, at a minimum, every three years to be applicable to current codes and practices.

(3) The members of the examination committee shall be notified by the chair of the committee of a meeting of the examination committee to be held within 210 days of August 1, 2001. The presence of a simple majority of the appointees to the examination committee shall constitute a quorum to conduct business. The chair shall moderate all meetings of the examination committee and shall establish the dates for meetings. The committee shall proceed according to Robert's Rules of Order, as most recently revised.

(d) To develop the sealed level examination, the examination committee shall work with: (1) The NCIDQ and its nationally recognized testing service which specializes or has experience in certification and licensure examinations in the interior design profession; or (2) any other board approved entity with experience in administration of examinations in the interior design profession, and any other board approved, nationally recognized testing service which specializes or has experience in certification and licensure examinations in the interior design profession. The examination committee

shall submit to the board a preliminary report on their activities within 30 days after their first meeting, and shall submit a final version of the sealed level examination, and other information as may be requested by the board, within time frames as may be mandated by the board. The board shall accept the final version of the sealed level examination presented by the examination committee after the final version of the sealed level examination is validated by the NCIDQ or the other board approved entity with experience in administration of examinations in the interior design profession. No sealed level examination may be given to applicants for registered interior designer authorization unless the examination is approved by the board. In the event that no examination receives a majority vote of the examination committee, a report stating that fact as well as a full explanation of the areas of disagreement shall be submitted by the committee to mediation to assist in reconciling all points of disagreement among the examination committee members. A mediator shall be chosen from a list of names on the mediator's list of the Alabama State Bar Association in the following manner: (1) The architect members of the committee shall select one mediator; (2) the interior design members of the committee shall select one mediator; the final one mediator, who shall perform the mediation, shall be selected by the two mediators chosen pursuant to subdivision (1) and subdivision (2) herein. Upon reconciliation of the areas of disagreement, the examination shall be affirmed by the committee and submitted to the board.

(e) Those applicants found qualified by the board for registered interior design status shall be granted the design of a seal and official authorization containing the full name of the applicant, the date and term of issuance, the seal of the board, and the signature of the chair of the board. Every seal and authorization issued by the board shall be maintained in the possession of the individual to whom it is issued and the authorization shall be posted in the business office where he or she practices.

(f) Seals and authorizations for registered interior design status shall expire and become invalid on the 30th day of September following their issuance or renewal, unless renewed in accordance with this chapter. Seals and authorizations for registered interior design status issued to an individual who is in the armed forces of the United States shall not expire until the 30th day of September following the individual's discharge from the armed forces of the United States. Renewal may be accomplished at any time prior to and during the month of September by the payment of an annual fee, as prescribed by the board, through procedures as may be developed by the board.

(g) Any individual registered or licensed to practice interior design in any state of the United States, other than the State of Alabama, who has successfully passed the sealed level examination or equivalent examination, accepted and approved by the board, may apply for registered interior designer status which shall be issued if the individual otherwise complies with the requirements imposed on all applicants for registered interior design status.

(Act 2001-660, p. 1365, § 7.)

§ 34-15B-8. Prohibited activities. (a) Any individual, including, but not limited to, persons claiming an exemption pursuant to Section 34-15B-9, who, without possessing a valid certificate of registration as provided in this chapter, uses the title or term "interior

designer" or "interior design," or who, within the context of the practice regulated by this chapter uses the phrase "Interior Designer," "Interior Design Consultant," or "Interior Design Services" in any sign, card, listing, advertising, business name, stationery, or in any other manner implies or indicates that he or she is an interior designer shall be guilty of a Class A misdemeanor.

(b) Any individual, including, but not limited to, persons claiming an exemption pursuant to Section 34-15B-9, who, without possessing a valid certificate of registration as provided in this chapter and without further specific approval by the board as a registered interior designer, uses the title or term "registered interior designer" or "registered interior design," or who, within the context of the practice regulated by this chapter uses the phrase "registered interior designer," "registered interior design consultant," or "registered interior design services" in any sign, card, listing, advertising, business name, stationery, or in any other manner implies or indicates that he or she is a registered interior designer shall be guilty of a Class A misdemeanor.

(c) Any individual who, without possessing a valid certificate of registration as provided in this chapter, engages in the practice of interior design shall be guilty of a Class A misdemeanor.

(d) This section shall become effective January 1, 2002, the intent of the Legislature being that individuals shall have a reasonable period in which to comply with the provisions of this chapter.

(Act 2001-660, p. 1365, § 8.)

§ 34-15B-9. Exemptions. (a) The following persons are exempt from this chapter, but remain subject to the title restrictions contained in subsection (a) and subsection (b) of Section 34-15B-8.

(1) An individual practicing interior design under the supervision of a person having a valid certificate of registration.

(2) An architect licensed to practice in the State of Alabama may practice interior design; however, the architect may not use the title designations set forth in Section 34-15B-8 without successful completion of the NCIDQ examination and/or the sealed level examination approved by the board, as applicable.

(3) Licensed home builders and their employees whose activities are limited to the licensed builders' houses and projects and licensed general contractors and their employees whose activities are limited to the licensed general contractors' projects.

(4) Any person with a combination of the following education and full-time experience in the field of interior design on August 1, 2001:

For purposes of this subdivision, education means the successful completion of a minimum of 48 semester hours or 60 quarter hours in an approved collegiate level interior design program, plus documented full-time interior design experience approved by the board, totaling 10 years of combined education and full-time interior design experience. For purposes of this paragraph, "and full-time experience" means at least 35 hours per week; 40 semester hours in a collegiate level interior design program are equivalent to two years of education; and, 60 quarter hours in a collegiate level interior design program are equivalent to two years of education. To be entitled to any exemption under this subdivision

an individual must document his or her experience and education on forms approved by the board and must register with the board within six months following August 1, 2001. Provided, the exemption shall terminate unless the individual claiming the exemption passes, prior to June 1, 2002, a code examination provided by the NCIDQ.

(5) Any person with 25 years of documented full-time experience, approved by the board, in the field of interior design on August 1, 2001. To be entitled to the exemption, an individual must document his or her experience on forms approved by the board and register with the board within six months following August 1, 2001.

(6) Any person making a plan or specification for, or administering the erection, enlargement, or alteration of any building upon any farm for the use of any farmer or for any building to be occupied and utilized by a healthcare facility as that term is defined in Section 22-21-260.

(7) Any person certified on August 1, 2001, by the National Kitchen and Bath Association, as a kitchen designer or bath designer, or both, whose activities involve the planning and execution of the design of complete residential kitchens or baths. The person shall not use the title designations set forth in subsection (a) or subsection (b) of Section 34-15B-8. Provided, the exemption shall terminate unless the individual claiming the exemption passes a code examination provided by NCIDQ prior to June 1, 2002, and documents to the board his or her National Kitchen and Bath Association certification within six months following August 1, 2001.

(8) Any person or legal entity purchasing products for its own use.

(b) Any person entitled to an exemption from this chapter shall remain subject to all other applicable provisions of Alabama law, including, but not limited to subsection (b) of Section 34-2-32.

(c) Nothing in this chapter shall prevent licensed professional engineers, or the employees or subordinates under their supervision or control, from performing interior design services which are incidental to the practice of engineering.

(Act 2001-660, p. 1365, § 9.)

§ 34-15B-10. Penalties for violations of chapter. The board may refuse to issue or may revoke a certificate of registration and/or authorization as a registered interior designer, suspend a certificate of registration or authorization as a registered interior designer for a period of time, issue a private or public reprimand to an individual possessing a certificate of registration or authorization as a registered interior designer, and assess and collect administrative fines not to exceed two thousand dollars (\$2,000) for violations of this chapter. In addition to the foregoing, the board may institute any legal proceedings necessary to enforce this chapter, or any combination of the foregoing, for any of the following conduct:

(1) Fraud, deceit, dishonesty, or misrepresentation, whether knowingly or unknowingly, in the practice of interior design or in obtaining any certificate of registration or authorization as a registered interior designer or other thing of value.

(2) Gross negligence, misconduct, or incompetency in the practice of interior design.

(3) Conviction of a felony until civil rights are restored.

(4) Habitual drunkenness or addiction and abuse, or both, of controlled substances without a doctor's prescription or in violation of the state controlled substances act.

(5) Incompetency, as adjudged by a court having jurisdiction.

(6) Directly or indirectly aiding or abetting in the practice of interior design by a person not duly authorized to practice interior design under this chapter.

(7) Practicing interior design in this state in violation of any standards of professional conduct as may be established by rule of the board.

(8) Practicing interior design in this state or in any other state or country in violation of the laws of that state or country.

(9) Failure to pay any fee or fine assessed by the board.

(10) Failure to comply with any order of the board.

(Act 2001-660, p. 1365, § 10.)

§ 34-15B-11. Disciplinary action. (a) Any time that the board has reason to believe that an individual holding a certificate of registration or authorization as a registered interior designer is subject to discipline, notice of the charges placed against the individual and the time and place of the hearing of such charges by the board shall be served on the accused by those rules prescribed by the Alabama Rules of Civil Procedure, not less than 45 days before the date fixed for the hearing. The notice shall inform the individual that he or she is entitled to respond to the charges within 30 days, be represented by counsel of his or her choosing at the hearing, have witnesses testify in his or her behalf at the hearing, confront and cross-examine witnesses at the hearing, and testify in his or her behalf at the hearing. The board may provide further for any procedure not herein enumerated that is consistent with the Alabama Administrative Procedure Act.

(b) In all cases of disciplinary action taken by the board, the accused may appeal the disciplinary action to the Circuit Court of Montgomery County, Alabama. Either party has the right to appeal from the final decree of the circuit court as provided by law.

(c) The board may commence a civil action in any circuit court having appropriate jurisdiction to enjoin any violation of this chapter. Jurisdiction is conferred upon the circuit courts of this state to hear and determine all such cases. The board may commence and maintain these actions without the filing of a bond or security. An injunction may be issued upon proof that the person is in violation of this chapter, without requiring proof of actual damage sustained by any person. If an injunction is issued, it shall not relieve any person or persons from any appropriate criminal prosecution.

(Act 2001-660, p. 1365, § 11.)

§ 34-15B-12. Board of Registration for Interior Design Fund. All fees received by the board shall be deposited into a fund known as the Board of Registration for Interior Design Fund in the State Treasury which is hereby established. The fund shall be utilized, in the discretion of the board, to regulate the practice of interior design and to pay the expenses of the board, including the cost of necessary employees, legal expenses, administrative expenses, and other necessary expenses associated with enforcing and administering this chapter. All fees collected prior to August 1, 2001, and collected pursuant to former Chapter 15A of this title are hereby ratified and validated, and

transferred to the fund.
(Act 2001-660, p. 1365, § 12.)

§ 34-15B-13. Authorization to practice. (a) An individual holding a certificate of registration shall not be subject to the 2,500 square feet limitation or other limitations contained in subsection (b) of Section 34-2-32. An individual holding a certificate of registration shall be authorized to practice interior design in any building or space within a building consisting of a total area of less than 5,001 square feet, and not intended for assembly occupancy, except schools, churches, auditoriums or other buildings intended for assembly occupancy of people. Provided, nothing shall prevent an interior designer from preparing designs, drawings, and specifications for selection, use, or location of finishes, materials, equipment, furnishings, furniture, fixtures, and personal property; or administering contracts for fabrication, procurement, or installation in connection with finishes, materials, equipment, furnishings, furniture, and personal property. Notwithstanding the provisions of subsection (c) of Section 34-2-32, any and all officials of this state or of any city, town, or county charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings are hereby authorized to accept or approve plans or specifications and issue permits on the same, prepared by any individual holding a certificate of registration, provided the plans or specifications are consistent with this subsection.

(b) An individual holding a valid certificate of registration and further authorized as a registered interior designer shall be authorized to practice interior design in any building, regardless of square footage or usage, and shall not be subject to any limitations contained in subsection (b) of Section 34-2-32.

(c) Notwithstanding the provisions of subsection (c) of Section 34-2-32, any and all officials of this state or of any city, town, or county charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings are hereby authorized to accept or approve plans or specifications and issue permits on the same, prepared by individuals authorized as registered interior designers, provided such plans or specifications are consistent with subsection (b), and the plans and specifications are within the definition of the practice of interior design under this chapter. An individual authorized as a registered interior designer may submit drawings, plans, or specifications with other licensed professionals if such work is outside the scope of the practice of interior design.

(Act 2001-660, p. 1365, § 13.)

§ 34-15B-14. Relation to state and local construction codes, etc. This chapter shall not affect any state or local fire, safety, building, or construction code, including the requirements contained therein; provided, as an exception, state or local building officials may accept a drawing prepared by an individual holding a certificate of registration and/or authorized as a registered interior designer.

(Act 2001-660, p. 1365, § 14.)

§ 34-15B-15. Participation in certain business entity relationships. Notwithstanding Section 34-2-37, it shall be lawful for individuals holding a certificate of registration

pursuant to this chapter to participate as owners with architects and/or professional engineers in partnerships, corporations, professional corporations, professional associations, and other business entity relationships. Such participation may include, where applicable, and without limitation, service as an officer, director, shareholder, voting or nonvoting, and any other participation allowed under the laws of the State of Alabama.

(Act 2001-660, p. 1365, § 15.)

§ 34-15B-16. Selection of products subject to building codes.Persons holding a valid certificate of registration or those persons specified in subparagraph 4. of paragraph b. of subdivision (4) of Section 34-15B-3 shall be authorized to specify or select products otherwise subject to building codes, so long as the specifications and selections are consistent with the codes.

(Act 2001-660, p. 1365, § 16.)

§ 34-15B-17. Administrative procedure.It is the intent of the Legislature that the board shall be subject to the Alabama Administrative Procedure Act.

(Act 2001-660, p. 1365, § 17.)

§ 34-15B-18. Sunset provision. The board shall be subject to the Alabama Sunset Law, as provided in Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2002, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

(Act 2001-660, p. 1365, § 19.)

Title 34 Chapter 15B Ruled Unconstitutional (court order)

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

State of Alabama,

Plaintiff,

vs.

Diane Burnett Lupo,

Defendant,

CIVIL ACTION NO:
CV-02-5201-HSL

ORDER

The above styled cause came on before this Court in the form of a non-jury trial. This action is brought by the State of Alabama against Diane Burnette Lupo for violation of Alabama Code § 34-15B-1 (1975) or the Alabama Interior Design Consumer Protection Act (Act 2001, No. 01-660). Representing the State of Alabama was the Honorable James M. Smith. Representing the Defendant, Lupo, was the Honorable Mark W. Lee. Lupo was specifically cited for "failing to be registered with Board pursuant to § 8(B) of the Act." In addition to assessing Lupo a fine of \$1,500, plus costs of \$235, the State of Alabama ordered Lupo to cease and desist from offering interior design services, and advertising to offer interior design services, without being registered. The State of Alabama (thru the State Board of Registration for Interior Design) brings this action to enforce the order of the Board.

Defendant Lupo challenges the constitutionality of the legislation upon which the Board acted in exercising jurisdiction and levying its fine and cease and desist order. In particular, Lupo argues that the Act in question is unconstitutional as being overly broad, unreasonable, and vague.

This Court agrees. Upon hearing the witnesses and arguments of the parties, having considered the evidence and briefs submitted, it is the opinion of this Court, as outlined below, that the Act is overly broad, unreasonable, and vague. Additionally, the Court's review of *Ross Neely Express, Inc., v Alabama Department of Environmental Management*, 437 So.2d 82 (1983), provides case law central to the issue before the Court.

It is well established that the right to due process is guaranteed to the citizens of Alabama under the Alabama Constitution of 1901, Article 1, Sections 6 and 13. This Constitutional right to due process applies in civil actions as well as criminal proceedings. The courts have found that this right is violated when a statute or regulation is unduly vague, unreasonable, or overbroad.

In the case at bar, though the legislative Act affects the practice of interior design and provides regulatory parameters defined as being within the practice of interior design, the evidence shows that the parameters defined by the Act clearly bleeds over into other occupational areas of interior consult not traditionally held out as interior design work. The Court finds the reach of the Act overbroad.

The evidence before the Court also shows that the enforcement of the Act makes it a criminal offense for one to perform in occupational areas of interior consult not traditionally held out as interior design work. The result of which was the creation of uncertainty among established interior decorators who do not perform interior design work or hold themselves out as interior designers, as to which activities they could lawfully perform under the statute. The Court finds that absence of clarity in the statute as unduly vague. In *Kahalley v. State*, 254 Ala. 482, 48 So.2d 794 (1950), the court stated "Legislation may run afoul of the due process clause because of a failure to set up any sufficient guidance to those who would be law-abiding, or to advise a Defendant of the nature and cause of an accusation he is called on to answer, or to guide the courts in the law's enforcement."

While the Court acknowledges that certain regulatory matters are clearly subject to the police powers of the State of Alabama, the restraint imposed here upon the performance of activities in occupational areas of interior consult not traditionally held out as interior design work is unreasonable. In *City of Russellville v. Vulcan Materials Co.*, 382 So.2d 525 (1980), the court said: "The validity of a police power regulation ... primarily depends on whether, under all the existing circumstances, the regulation is reasonable, and whether it is really designed to accomplish a purpose properly falling within the scope of the police power." The evidence before the Court shows unreasonableness of the Act and that the enforcement of the Act has no rational relationship to the health, safety, or welfare of the citizens of the State of Alabama.

For all the reasons outlined above, this Court finds for the Defendant, Diane Burnette Lupo, and against the Plaintiff, State of Alabama. Accordingly, it is the judgment of this Court that the Alabama Interior Design Consumer Protection Act is overly broad, unreasonable, and unduly vague, and therefore violates due process as guaranteed by the Constitution of the State of Alabama.

Costs taxed to the State of Alabama.

DONE AND ORDERED, this 23rd day of August 2004.


HELEN SHORES LEE
Circuit Judge

Board Members



Jane Bise
Minnie Finley
Anne Nieman
John Peaslee
Wallace Williams
Steven Smith, Chairman

ALABAMA STATE BOARD OF REGISTRATION FOR INTERIOR DESIGN

Post Office Box 11026 ♦ Birmingham, AL 35202 ♦ 205-879-4232 ♦ Fax: 205-879-4232 *51
♦ E-Mail: idadmin@idboard.alabama.gov

Members of the Alabama State Board of Registration for Interior Design **April 24, 2007**

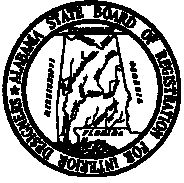
Member	Address	Term Expires
Hon. Steven Smith Chair Central District	2204 2 nd Ave So, Ste 200 Birmingham, AL 35233	Sept 2007
Hon. Anne Nieman Eastern District	240 Herbert St Talladega, Alabama 36078	Sep 2009
Hon Wallace Williams Western District	Tuscaloosa, AL 35401	Sep 2010
Hon. Jane Bise Northern District	620 Owens Drive Huntsville, AL 35801	Sep 2010
Vacant * Southern District	Sep 2010	
Hon. John Peaslee Educator University of Alabama	P. O. Box 70695 Tuscaloosa, AL 35407	Sep 2008
Hon. Minnie Finley* Consumer	916 Winchester Birmingham, AL 35235	Sep 2005
Matthew (Matt) Beam, Board Attorney Deputy Attorney General Gidierre, Hinton, Herndon, Christman	60 Commerce Street,	

*The Governor has not yet appointed a replacement for these positions of April 27, 2007.

A handwritten signature in black ink, appearing to read "Steven W. Smith".

Steven W. Smith
Chairman

Agency Response to Significant Items



ALABAMA STATE BOARD OF REGISTRATION FOR INTERIOR DESIGN

Post Office Box 11026 ♦ Birmingham, AL 35202 ♦ 205-879-4232 ♦ Fax: 205-879-4232*52

E-Mail ID.admin@idboard.alabama.gov

Steven W. Smith, Chairman

Jane Bise

Minnie W. Finley

Anne Nieman

John Peaslee

Wallace Williams

August 06, 2007

Mr. John Norris
Director, Operation Division
Examiners of Public Accounts
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36130

Dear Mr. Norris,

The Board would like to provide the following information and/or responses in regard to the Significant Items as included in your email dated July 12, 2007:

Significant Item #2: ***“The Board differs from its licensees as to whether the board should regulate interior decorators”***

Response: The Board would like to emphasize that ALL persons in the State, if using the title Interior Designer or term Interior Design, are under the Board's jurisdiction. We received numerous phone calls from licensees concerning this question because it is extremely difficult to answer with either a “yes” or “no” response. In summary, it is my opinion that both the licensees and the Board would respond to this question with the following clarification: The Board is not interested in regulating the practice of interior decorators, but by law maintains jurisdiction to regulate them and anyone else as necessary based on the content of the current law(s). This premise withstanding, both a “yes” and “no” answer is equally appropriate.

Prior Significant Item #6: ***“The Board appears seriously under funded”***

Response: Based on the reduced registration and licensing fees caused by the 2001 Interior Design Law being overturned, the Board will face increased difficulty continuing to operate based on current income and expenses. The appeal process for the 2001 law is taking much longer than anticipated, and the Board's existence is in limbo pending action on our case. Attached is a copy of the 2007-2008 Financial Report for reference.

All other Significant Items and Previous Responses remain as previously stated. The Board thanks you for the opportunity to provide this response. Please feel free to contact me should you need additional information.

Sincerely,

Steven W. Smith, Chairman
Alabama Board of Registration for Interior Design